GOVERNMENT OF ANDHRAPRADESH
ABSTRACT

Endowments Department – Visakhapatnam District – Sri Venugopala Swamy Temple, Pandrangi (v), Padmanabham (M) – Compromise orders issued by the then Commissioner for an extent of 22-78 acres of land @ Rs.95,000/- per acre – Application requesting to issue orders to cancel the same – Notices issued – Heard – Orders issued U/s 93 - Cancelled Commissioner's orders – Issued.

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REVENUE (ENDOWMENTS.II) DEPARTMENT

G.O.RT.No. 395 Dated: 18-04-2017

Read the following:-

1. Proceedings of Commissioner, Endowments, A.P., L1/62322/2004, dt.10-05-2005.
2. Letter from Regional Joint Commissioner, Endowments, Rajamahendravaram in A4/26/2016, Dt.03-01-2017.
3. Govt.Memo.No.465022/Endts.II(1)/2017,dt.23-01-2017.
4. Letter No.465022/Endts-II (1)/2017, dt.23-01-2017.
5. Hearing and enquiry dt.16-2-2017.

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In the reference 1st read proceedings, the then Commissioner, Endowments, permitted the manager of Sri Venugopala Swamy Temple, Pandrangi (v), Padmanabham (M), to enter in to compromise with one Sri K.Raghava Rao on payment of Rs.95,000/- per acre for issuance of NOC/ to register/ to relinquish the rights of the temple over an extent of 22-78 acres of land in Sy.No.6, Patta No.128 of Sirlapalem (v), Anandapuram (M). However these orders were not implemented as there arise a serious controversy due to allegations levelled against the corrupt activities of the then Commissioner, I.Venkateswarlu.

2. The Regional Joint Commissioner, Endowments, Rajamahendravaram in the reference 2nd read above has made application that without paying any lease amount or the ordered amount, Sri K.Raghava Rao has been continuing in the land of the temple since 2005 thereby creating a serious loss to the temple. He also stated that the orders passed by the then Commissioner are totally detrimental to the interest of the institution and requested for cancellation of reference 1st read proceedings of the Commissioner.

3. Notices were issued all the parties through the reference 3rd & 4th read letter & memo. As Sri K.Raghava Rao, purchaser, died as such notice was served on his son Sri K.K.V.D.Subrahmanyam in person and also through R.P.A.D. As a matter of precaution, the Executive Officer has also issued a public notice in Eenadu daily Visakhapatnam edition on 5-2-2017 informing the persons having interest over the litigation about the scheduled enquiry. On 16-02-2017, Sri K.K.V.D.Subrahmanyam, S/o K.Raghava Rao and one Smt. K.Naga Kumari, contending to be the second wife of Sri late K.Raghava Rao, was represented through one N.Sanni babu, her legal counsel, the Executive Officer of the temple, Regional Joint Commissioner, Endowments, Rajamahendravaram and the Commissioner, Endowments have attended the enquiry with relevant records.

(PTO)

4. Sri K.K.V.D.Subrahmanyam submitted that:

i) his father purchased the cultivating rights of the temple land through a registered sale deed bearing Document No.1304 to 1307 dt.22-05-1999 and by Document No.27-05-1999 before the Sub-registrar, Bheemunipatnam.

ii) lease was approved in his father's favour for the year 2000-01 to 2002-03 by the then Commissioner in D.Dis.No.B3/46852/2000, Dt.3-11-2000.

iii) The matter as to validity of notice issued by the then Executive Officer after expiry of lease is pending before the A.P. Endowments Tribunal vide O.A.No.1639/2010.

iv) requested to do justice to the claim of his father and claimed that the orders passed by the then Commissioner Mr.I.Venkateswarlu are valid.

5. The legal counsel Mr.Sunni Babu, arguing on behalf of the 2nd wife of late Sri K.Raghava Rao, apart from supporting the above points has further contended that they are willing the pay the rent to the temple from the year 2005 onwards, if the land is registered in their favour at the value ordered in the impugned orders and expressed willingness to pay interest also.

6. The Regional Joint Commissioner, Endowments, Rajamahendravaram submitted that :

i) the landed property is entered in temple's property register and the revenue records also supports the same.

ii) the impugned proceedings of the Commissioner are amounting to alienation of immovable property by private negotiations, for which the Commissioner has no competency and are void ab initio in the eye of laws as per Section 80 of the Act.

iii) The Assistant Commissioner, Endowments, Visakhapatnam has submitted his report in Rc.No.A1/5693/95, dt.15-042005 informing that the valuation certificate issued by M.R.O Anandapuram Mandal is about Rs.4 to 5 lakhs per acre.

iv) The abstract lands are having commercial value as they are abutting Sirlapalem to Alamanda Road, which is a State High Way.

v) Late K.Raghava Rao has neither paid the amount mentioned in impugned proceedings nor paid the rent since 2005.

vi) Late Raghava Rao has changed the land use and sub let the premises for brick kiln and dug a portion of land thereby destroying the character of the land and caused serious loss to the temple.

vii) The impugned orders are totally detrimental to the temple and the then Commissioner had acted with malafide intention, and contended to cancel the impugned orders.

7. Heard all the parties, perused the records submitted by the parties.

8. Prima facie, the impugned 1st read proceedings of the Commissioner are alienation of land of the temple by private negotiations, for which the commissioner has no competency as per Section 80 of the Act 30/1987. On this ground alone, the impugned order goes. The sale transaction (or cultivating rights) by the then lessee to late Sri K.Raghava Rao vide 5 Documents bearing No.1304/99 to 1307 /1999, dt.22-05-1999 and Document No.1371/99, dt.27-05-1999 are themselves illegal and void ab initio as a lessee has no right to sell the temple property or even the cultivating rights over it under any circumstances. There is no necessity for compromise also as the eviction of an encroacher procedure was simplified by the lease Rules issued in the year 2003. The rate fixed is atrociously low (95,000/- per acre) when the M.R.O. Anandapuram has certified that the market value of the land is between 4 and 5 lakhs rupees per acre and that too when the Assistant Commissioner, Endowments, Visakhapatnam has categorically reported that the lands are having commercial value as they are abutting to Sirlapalem to Alamanda Road. A part from the above, the Commissioner has not rendered any reasons why he is permitting the Executive Officer for compromise.

9. Under the circumstances, the proceedings issued by the Commissioner, Endowments in the reference 1st read, are cancelled and set aside accordingly. The illegal sale deed / sale of cultivating rights over the land of 22-78 acres of land in Sy.No.6, Patta No.128 of Sirlapalem (v), Anandapuram (M), belonging to Sri Venugopala Swamy Temple, Pandrangi (v), Padmanabham (M), Visakhapatnam district, vide Documents No.1304/99 to 1307/99, dt.22-05-1999 and Document No.1371/99 dt.28-05-1999 (total 5 documents) are also hereby cancelled as they are null and void.

10. The Executive Officer of the temple is directed to take necessary action of leasing out the lands subject to orders of Hon'ble High Court in W.P.No.19972/2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri K.K.V.D.Subrahmanyam, ( through Executive Officer of the Temple)
Smt K.Naga Kumari, contended second wife of late Sri K.Raghava Rao.
The Executive Officer, Sri Venugopala Swamy Temple, Pandrangi (v), Padmanabham (M), Visakhapatnam
The Sub-Register, Bheemunipatnam, Visakhapatnam District with directions to cancel the documents No.1304/99 to 1307/99, dt.22-05-1999 and Document No.1371/99, dt.27-05-1999 (5 documents)(through the E.O. of the abstract temple).
The District Registrar, Registration Department, Visakhapatnam
(through Executive Officer of the abstract temple) for necessary persuasion.
The Assistant Commissioner, Endowments Department, Visakhapatnam.
The Regional Joint Commissioner, Endowments Department, Rajamahendravaram.
The Commissioner, Endowments Department, A.P., Amaravati.
Sf./Scs.

// forwarded :: by order //

Section Officer.